

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CARAWAY HOME, INC.,

Plaintiff,

-v-

PATTERN BRANDS INC., et al.,

Defendants.

CIVIL ACTION NO.: 20 Civ. 10469 (VM) (SLC)

**CASE MANAGEMENT PLAN AND
SCHEDULING ORDER**

SARAH L. CAVE, United States Magistrate Judge:

Pursuant to the initial conference held today, June 28, 2021, (the “Initial Conference”),
discovery in this case will proceed as follows:

1. The parties shall continue to meet and confer concerning the terms of the ESI protocol and shall file an ESI protocol for the Court’s adoption **as soon as practicable**.
2. Initial disclosures shall be served by **June 30, 2021**, with production of identified documents to be completed by **July 30, 2021**, in accordance with the parties’ Report of Rule 26(f) Conference and Proposed Case Management Plan (ECF No. 43 at 2–3).
 - a. The parties shall continue to preserve text messages and other written communications such as Slack messages (these communications collectively, “Messages”) for all of their custodians.
 - b. The parties shall meet and confer to determine approximately three or four custodians whose Messages shall be produced in the parties’ initial document productions, subject to the parties’ agreed-upon search and scope parameters.

3. Patent-specific deadlines:
 - a. By **August 12, 2021**, Plaintiff shall serve its "Disclosure of Asserted Patent Claims and Infringement Contentions";
 - b. By **September 27, 2021**, Defendants shall serve their "Disclosure of Invalidity and Non-Infringement Contentions"
 - c. "The Opinion(s) of Counsel" shall be served by **October 29, 2021**.
4. All fact discovery shall be completed by **February 3, 2022**, and the parties shall file a joint letter certifying that fact discovery is complete by **February 10, 2022**.
 - a. The parties report that they have each served their initial requests for production. (ECF No. 43 at 4). All subsequent requests for production must be served no later than 30 days before the fact discovery deadline.
 - b. Initial sets of interrogatories shall be served by **September 3, 2021**. All subsequent interrogatories must be served no later than 30 days before the fact discovery deadline.
 - c. Requests to Admit shall be served by **January 3, 2022**.
 - d. Depositions shall be completed by **February 3, 2022**.
 - e. Plaintiff's letter-motions to compel, filed at ECF Nos. 37, 40, are DENIED WITHOUT PREJUDICE.
5. All discovery, including expert discovery, shall be completed by **June 4, 2022**. The parties shall file a joint letter no later than **June 11, 2022** certifying that all discovery is complete.
 - a. Plaintiff's expert report shall be due by **February 15, 2022**.
 - b. Defendants' expert report shall be due **March 15, 2022**.
 - c. Rebuttal reports are due **April 15, 2022**.
 - d. Expert depositions shall be conducted by **June 4, 2022**.
6. A Telephone Status Conference is scheduled for **Tuesday, December 7, 2021 at 11:00 am** on the Court's conference line. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

7. The Court anticipates holding a settlement conference at 2:00 pm on July 27, 2021, or either 10:00 am or 2:00 pm on July 28, 2021. By **June 30, 2021**, the parties shall contact Chambers (by email to Cave_NYSDChambers@nysd.uscourts.gov) to jointly report their date and format preference for the conference.

The Clerk of Court is respectfully directed to close ECF Nos. 37, 40.

Dated: New York, New York
June 28, 2021

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge